

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KRISTA PARKER and CHARLES NEIL
PARKER,

Defendants.

8:18CR301

ORDER

This matter is before the Court on separate motions to suppress and motions to sever filed respectively by defendants Krista Parker (“Krista”) (Filing Nos. 53 and 55) and Charles Neil Parker (“Charles” and collectively, “defendants”) (Filing No. 50 and 48). The magistrate judge¹ issued an order and findings and recommendation (“order and recommendation”) (Filing No. 70) on the motions, denying the defendants’ motions to sever without prejudice and recommending that the Court deny the defendants’ motions to suppress.

The defendants individually objected (Filing Nos. 71 and 73). Krista objected to the magistrate judge denying her motion to sever and recommending denial of her motion to suppress. Charles only objected to the magistrate judge’s recommendation to deny his motion to suppress.

The Court may reconsider the magistrate judge’s denial of the motions to sever if “the magistrate judge’s order is clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A). As for the defendants’ motions to suppress, the Court must conduct a de novo review of “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(B). The Court “may accept, reject, or modify the recommendation, receive further evidence, or resubmit the matter to the magistrate judge with instructions.” Fed. R. Crim. P. 59(b)(3).

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

The Court adopts the magistrate judge's factual findings, to which neither defendant has objected. After careful review, the Court finds Krista has failed to show the magistrate judge's well-reasoned conclusion denying her motion to sever was clearly erroneous or contrary to the law. *See* 28 U.S.C. § 636(b)(1)(A). Her objection is overruled for the reasons stated in the order and recommendation.

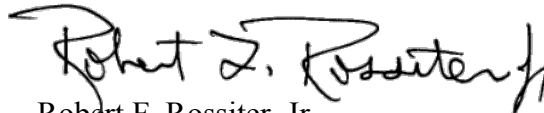
Having conducted de novo review of the order and recommendation, the defendants' objections, and the balance of the record in this case, the Court further overrules the defendants' objections to the magistrate judge's recommendation to deny their motions to suppress, accepts the magistrate judge's recommendations on the motions to suppress, and denies the defendants' motions to suppress, all based on the reasoning in the order and recommendation. *See* 28 U.S.C. § 636(b)(1)(B). Accordingly,

IT IS ORDERED:

1. Defendant Krista Parker's objection (Filing No. 73) to the recommendation to deny her motion to suppress is overruled.
2. Defendant Charles Neil Parker's objection (Filing No. 71) to the recommendation to deny his motion to suppress is overruled.
3. The magistrate judge's findings and recommendation (Filing No. 70) are accepted.
4. The magistrate judge's ruling on defendant Krista Parker's motion to sever (Filing No. 53) is affirmed.
5. Defendant Krista Parker's motion to suppress (Filing No. 55) is denied.
6. Defendant Charles Neil Parker's motion to suppress (Filing No. 48) is denied.

Dated this 16th day of April 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", written in a cursive style.

Robert F. Rossiter, Jr.
United States District Judge